

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRAIG THOMAS MURNION,

Defendant.

CR 18–93–BLG–DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 75.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Murnion’s admissions at the hearing, that he violated four conditions of supervised release: the standard condition that he

notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer (Stand. Cond. 9); the special condition that he abstain from the consumption of alcohol (Spec. Cond. 4); the mandatory condition that he refrain from any unlawful use of a controlled substance (Mand. Cond. 3); and the standard condition that he must not communicate or interact with someone he knows is engaged in criminal activity (Stand. Cond. 8). (Doc. 75 at 6–8.) Judge Cavan also found, based on a preponderance of the evidence, that Mr. Murnion violated two additional conditions of supervised release: the standard condition that he notify the probation officer within 72 hours of becoming aware of a change or expected change in living arrangements (Stand. Cond. 5) and the mandatory condition that he refrain from any unlawful use of a controlled substance (Mand. Cond. 3). (*Id.* at 1.)

Judge Cavan recommends that this Court revoke Mr. Murnion’s supervised release and sentence him to a custodial sentence of five (5) months imprisonment, followed by a 24-month term of supervised release. (*Id.* at 8.) Judge Cavan also recommends that this Court grant the United States’ motion to dismiss Violation No. 6. (*Id.*)

The Court finds no clear error in Judge Cavan’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 75) is ADOPTED in full.

Mr. Murnion shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 17th day of May, 2024.



Dana L. Christensen, District Judge
United States District Court